

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CLINICAL INNOVATIONS, LLC, dba,
CLINICAL INNOVATIONS, INC., a
Delaware Limited Liability Company,

Plaintiff,

vs.

UTAH MEDICAL PRODUCTS, INC.,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING UTAH
MEDICAL'S MOTION TO MODIFY
SCHEDULING ORDER AND FOR
LEAVE TO FILE MOTION FOR
SUMMARY JUDGMENT

Case No. 2:05-CV-634 TS

Defendant Utah Medical seeks to amend the scheduling order to allow it to file a new summary judgment motion on the issue of invalidity based upon the recent Supreme Court case *KRS International Co. v. Teleflex, Inc.*, 127 S.Ct. (2007). Defendant contends that the *Teleflex* case changed the law regarding obviousness, an issue for trial. Defendant contends that it would be more efficient to vacate the trial date and have the issue determined by a new Motion prior to any trial.


Plaintiff Clinical Innovations opposes the Motion on the grounds that (1) it is untimely; (2) *Teleflex* has not resulted in so substantial a change in law as to warrant delay; (3) it would be prejudicial because it would delay the resolution of this case by postponing trial and requiring the expense and delay inherent in a new round of dispositive motions.

Being fully advised, it is therefore

ORDERED that Defendant's Motion to Modify Scheduling Order and for Leave to File Motion for Summary Judgment re: Invalidity is DENIED.

DATED September 11, 2007.

BY THE COURT:



TED STEWART
United States District Judge